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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,889	09/14/2006	Mark Gretton	168/US	1751
30593	7590	12/23/2009	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195				BROADHEAD, BRIAN J
ART UNIT		PAPER NUMBER		
3664				
MAIL DATE		DELIVERY MODE		
12/23/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/598,889	GRETTON, MARK	
	<b>Examiner</b>	<b>Art Unit</b>	
	BRIAN J. BROADHEAD	3664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 14 September 2009.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-4, 7-9 and 11-15 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-4, 7-9 and 11-15 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-4, 7, 9, and 11-14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Duncan, 2007/0226481, in view of Worrell et al., 2005/0021190, and in view of Knopper, “Building a self-contained auto configuring Linux System on an iso9660 file system”.

4. Duncan discloses wherein the device is operable to read a memory card that can be inserted into and removed from the device, the card storing the device operating system, the application, and the data, the device does not store its operating system in internal ROM but instead reads if off from the memory card, the memory card is a SD

card in paragraphs 61-66; internal XIP (execute In Place) Flash ROM programmed with a boot loader in paragraph 55; boot loader prompts for the user to insert the supplied memory card in paragraph 66; the user inserts the memory card, it copies a special system file from the memory card into a memory, the system file including the operating system and the navigation application in paragraphs 61-66; programmed so that once copying of the system file is complete, control will be passed to the navigation application, which starts and accesses non-volatile data from the memory card in paragraph 66; RAM (320), a portable memory interface (110); and ROM in paragraph 47. Duncan does not disclose the application is a navigation program and the data is map data; that when the device is subsequently switched off, the RAM contents is preserved so that the boot up procedure only has to occur the first time the device is used; or that the memory that the special file system is copied to is RAM. Duncan also does not explicitly disclose a touch screen or a power switch but official notice is given that these are standard pieces of equipment in the field of art and including them would be obvious to one of ordinary skill in the art and it would yield no unpredictable results. Worrell et al. teaches the application is a navigation program and the data is map data used on a flash memory in paragraph 70. It would have been obvious to one of ordinary skill in the art at the time the invention was made to update any type of computing device, including Worrell's navigation device, using the device and method because it is made to be used on various devices that may be outdated by the time an end user receives them. Maps and programs get updates regularly, however, devices may be

manufactured months before they reach an end user. The combination of the two pieces of prior art result in a predictable outcome to one of ordinary skill in the art.

5. Knopper teaches that the memory that the special file system is copied to is RAM in pages 1-4. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teaching of Knopper in the invention of Duncan and Worrell because it uses known techniques to provide predictable results. Duncan, Worrell, and Knopper do not disclose that when the device is subsequently switched off, the RAM contents is preserved so that the boot up procedure only has to occur the first time the device is used.

6. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duncan, 2007/0226481, in view of Worrell et al., 2005/0021190, and in view of Knopper, "Building a self-contained auto configuring Linux System on an iso9660 file system" as applied to claims 1-4, 7, 9, and 11-14, above, and further in view of the Advanced Configuration and Power Interface Specification(ACPI).

7. Duncan, Worrell, and Knopper disclose the limitations as set forth above. They do not disclose that when the device is switched off, the contents of the RAM component are preserved so that boot up only has to occur the first time the device is used. This limitation really means that device is never actually turned off, but rather is kept in a state where the RAM is refreshed by a power source. The ACPI teaches a state that allows the contents of the RAM component to be preserved so that boot up only has to occur the first time the device is used on page 217. This is commonly known as "S3" and has been used in PC-type devices for a very long time. It would

have been obvious to one of ordinary skill in the art at the time the invention was made to use the "S3" taught, in the invention of Duncan, Worrell, and Knopper because such modification would combine only what is known and not yield unpredictable results. "S3" was created to speed up access to devices when going from a now-waking state to a waking state. "S3" is commonly known as sleep or standby.

***Response to Arguments***

8. Applicant's arguments with respect to claims 1-4, 7-9, 11-15 have been considered but are moot in view of the new ground(s) of rejection.
9. The invention can be viewed as basically a computer that uses a portable memory device or USB drive instead of a hard drive as the system disk, and then loads everything to a RAM disk to actually operate. Then, instead of powering down and losing all data, the device uses a known standby mode. Computer and PC-type devices are all known to have some type of BIOS chip that controls the boot up process, and these BIOS chips give basic error messages like "insert system disk" when a disk with a bootable OS are not found. The fact that a navigation program is what is being used really isn't very relevant since one of ordinary skill would see loading any type of program as an obvious variation. The invention only pieces together known techniques in the art to yield what are predictable results.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN J. BROADHEAD whose telephone number is

(571)272-6957. The examiner can normally be reached on Monday through Thursday or Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian J. Broadhead/  
Examiner, Art Unit 3664